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 7 AURORA LOAN SERVICES LLC

8 **UNITED STATES DISTRICT COURT**
 9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 MARIA R. METCALF and DENNIS R.
 11 GRAY,

12 Plaintiffs,

13 v.

14 DREXEL LENDING GROUP, a California
 corporation, AURORA LOAN SERVICES
 15 LLC, a California limited liability company,
 and ROBERT E. WEISS INCORPORATED, a
 16 California corporation,

17 Defendants.

18 Case No. 3:08-cv-00731-W-POR

**DEFENDANT AURORA LOAN
 SERVICES LLC'S AMENDED NOTICE
 OF MOTION AND MOTION TO
 DISMISS PLAINTIFFS FIRST
 AMENDED COMPLAINT AND
 ALTERNATIVELY FOR A MORE
 DEFINITE STATEMENT**

Date: September 15, 2008

Time: 9:30 a.m.

Courtroom: 7

**NO ORAL ARGUMENT WILL BE
 HEARD [CivLR 7.1(d)1]**

19 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

20 PLEASE TAKE NOTICE that on September 15, 2008, or as soon thereafter as the matter may
 21 be heard in the above-entitled court, located at 940 Front Street, San Diego, California 92101-8900,
 22 defendant AURORA LOAN SERVICES LLC ("Aurora") will move the court to dismiss the action
 23 pursuant to Federal Rule of Civil Procedure 12(b)(6) on the grounds that: Plaintiff Dennis Gray lacks
 24 standing and the First Amended Complaint by both Plaintiffs fails to state a claim upon which relief
 25 can be granted. In the alternative, Aurora will move the court to order Plaintiffs to make a more
 26 definite statement pursuant to Federal Rule of Civil Procedure 12(e).

27 /./.

28 /./.

1 The motion will be based on this Notice of Motion and Motion, the Memorandum of Points
2 and Authorities filed herewith, the Request for Judicial Notice and all the pleadings and papers filed
3 previously in this case.

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5 Dated: August 8, 2008

PITE DUNCAN, LLP

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7 By: /s/ Thomas N. Abbott

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9 Attorneys for Defendant
10 AURORA LOAN SERVICES LLC
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